



Standard Contract Instructions

These contract instructions describe how to prepare a contract package for formal approval, and illustrate pages where custom information should be entered. The current standard contract is in a format that is consistent with Department of General Services (DGS) state contracting procedures. Specific contract language is only included for reference. The standard contract (a separate document) contains the current contract language as well as fill-in blanks for electronic completion. Signature blocks need personal signatures and handwritten dates and should NOT be filled out electronically.

Instructions are in a *red italicized Times New Roman font*. Reminders are in a hidden text that does not show up on printed copies. Completion blanks are **shaded and often underlined**. Be sure to delete unnecessary text when preparing the final copy of the contract.

All districts and associations are strongly encouraged to use the standard contract to formalize cooperating association relationships. The district contract specialist can be a valuable resource in explaining contract format and preparation.

Contract Package Assembly

This contract contains several elements and forms which are included as a courtesy. Be sure to use current DGS forms (available from the DGS Web site) when preparing the final version of the contract.

Assemble four contract copies with original signatures into one contract package.

Each individual contract copy must contain or reference the following elements:

- Standard Agreement, STD 213 (Rev 06/03)
- Exhibit A, Scope of Work, including the Attachment
- Exhibit C, General Terms and Conditions (incorporated by reference)
- Exhibit D, Special Terms and Conditions
- Exhibit E, Cooperating Association Annual Report (DPR 973)
- Exhibit F, Licensed Trademarks
- Certificate of Adoption of Resolution

Note: Exhibit B is not included because this is a “zero dollar” contract

Each contract package must contain one copy, with original signatures, of:

- certificate of insurance (Acord, or similar form)
- Contractor Certification Clauses (DGS form)
- District Recommendation and DGS Exemption Certification

New Associations

If the contract is with a new association, see the Check List for additional items needed.

Cooperating Associations Program

Standard Contract Instructions

Page 2

Detailed Instructions

Use the attached Check List and Instructions to help guide the contract preparation process. Sections of the contract not needing completion are deleted in this instruction package to save space.

Common Errors

Errors commonly occur regarding:

Agreement Number

Contact the Cooperating Associations Program Manager for an agreement number. **Do not submit a contract for approval without a pre-assigned number.** Be sure to include the agreement number at the top of all pages where indicated.

Standard Agreement (STD 213)

Line 2 Term The term of the Agreement must be in a **month, day and year** format (for example: October 1, 2006). The contract term may be from one to five years. If using the maximum five year term, select dates at least one day apart (for example 10/01/05 through 9/30/10) or else the contract could be five years and one day.

Section 4, Incorrect page numbering on Exhibit F.

Exhibit F is normally a one (1) page license from DPR to the association for the use of the DPR logo. As such, it should be indicated as "1 page" and the page numbering on Exhibit F is normally "1 of 1". Correct Exhibit F page numbering must be indicated on the STD 213, section 4 where the default is "1."

If the association has trademarked intellectual property that the State needs to use, Exhibit F shall be used to document the license. Such occurrences are rare, and page two of Exhibit F is normally deleted and not applicable.

Exhibit D, Section 6, Grant of License

3rd line - Insert only the name(s) of state parks to be served by the association. There is no need to also include the words "California State Parks," "Department of Parks and Recreation" or other non-trademarked names. Trademarked or registered names are followed by a TM or an ®. Do NOT include names that are not department names, such as the name of the cooperating association.

Contract Approval

All cooperating association contracts need district superintendent recommendation and approval by the director. Some cooperating association contracts also need approval from DGS. Contracts needing DGS approval include:

- Contracts with annual net income greater than \$50,000, if that income is from sales and services. (Income from donations, grants, dues, and interest does not apply.)
- All contracts with addenda.

Please note that DGS will charge the district a document review fee.

Cooperating Associations Program

Standard Contract Instructions

Page 3

Originally Signed Copies

Four copies of the contract each with an original signature must be submitted. Once signed by the director, the copies will be distributed to the association, DPR Central Records, the Cooperating Associations Program Manager, and the district office. If the contract must be sent to DGS for approval, the district office will receive a photocopy of the contract.

Making Contract Changes

Changing the standard language is discouraged, but possible. Changes must be made using an addendum, attached to the back of the contract. Clearly show what language is being added and/or deleted on each addendum.

Each addendum should include a brief justification or explanation why the change in contract language is being proposed. The explanations are not part of the contract language, but are retained with each copy of the contract. Addenda do not need separate signature blocks. Addenda need to follow a specific format. Contact the Cooperating Associations Program Manager for details.

Send the complete Contract Package to:

Department of Parks and Recreation
John D. Mott, Manager
Cooperating Associations Program
Interpretation and Education Division
1416 9th Street, Room 1435
Sacramento, CA 95814

Questions: TEL: (916) 654-5397, FAX: (916) 654-9048
E-mail: jmott@parks.ca.gov

Standard Contract Check List

✓	Contract Element	# of Copies	Comments
	Standard Agreement (STD 213, rev 6/03)	4 copies, each with an original signature	<i>Use as page 1</i>
	Exhibit A Scope of Work including Attachment 1	4 copies, no signature required	<i>DPR language</i>
	Exhibit B Budget Detail	Not applicable for these contracts	<i>Not applicable for these contracts</i>
	Exhibit C General Terms and Conditions (GTCs)	Do NOT attach any copies, no signature required. (Incorporated by reference)	<i>Standard DGS language. This includes the Contractor Terms and Conditions (CCCs). This document is available via the DGS website www.ols.dgs.ca.gov/Standard+Language/default.htm.</i>
	Exhibit D Special Terms and Conditions	4 copies, no signature required	<i>DPR language</i>
	Exhibit E Cooperating Association Annual Report	4 copies, no signature required	<i>Use most current version of DPR 973. Does not have to be filled out.</i>
	Exhibit F Licensed Trademarks	4 copies, no signature required	<i>DPR language allowing use of DPR logo by cooperating association.</i>
	Certificate of Adoption of Resolution	4 copies, each with an original signature	<i>Signed and dated by two board of directors representatives</i>
	Contractor Certification Clauses (CCCs)	2 copies, each with an original signature 1 copy – District 1 copy – HQ (Incorporated by reference)	<i>Separate document that is standard DGS language. This document is available via the DGS website www.ols.dgs.ca.gov/Standard+Language/default.htm. Signed by association representative once every three years and kept on file.</i>
	Certificate of Insurance	1 copy	<i>Endorsements needed regarding: 1) 30 day notice of policy termination 2) State of California named additional insured 3) State not responsible for premium</i>
	District Recommendation and DGS Exemption Certification	one copy with original signature	<i>Certifies District endorsement of contract and if DGS must approve contract.</i>
	If new association: <ul style="list-style-type: none"> Articles of Incorporation Bylaws Letters of Determination (IRS and Franchise Tax Board) Board Roster 	1 copy of each document	<ul style="list-style-type: none"> Articles certified by the Secretary of State. Current bylaws Determination letters must be current. IRS sends an initial and a final letter of determination. Current board roster with contact information.

STATE OF CALIFORNIA
STANDARD AGREEMENT

STD 213 (Rev 06/03)

Submit 4 copies each with an original signature/date on all copies

Use the latest copy of this form.

AGREEMENT NUMBER

 (Contact I & E Div. for number)

REGISTRATION NUMBER

(not necessary-zero dollar contract)

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of Parks and Recreation (Department)

CONTRACTOR'S NAME

Insert the full name of the association (Association) Leave the word "(Association)" in parentheses.

2. The term of this Agreement is: *month/day/year* through *month/day/year*
(5 year maximum term, Leave one day apart, ex.10/01/05 through 09/30/10.)

3. The maximum amount of this Agreement is: **\$ Zero dollars**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	1 page
Attachment 1	6 pages
Exhibit B – Budget Detail and Payment Provisions	N/A

Exhibit C* – General Terms and Conditions

GTC 1005

Check mark one item below as Exhibit D:



Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)

12 page(s)



Exhibit - D* Special Terms and Conditions

Exhibit E – Additional Provisions

5 page(s)

Exhibit F – Licensed Trademarks *(normally this will only be one page)*

1 page indicate # of
pages if more than one.

Items shown with an Asterisk (*), are hereby **incorporated by reference** and made part of this agreement as if attached hereto.

These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

(insert Association Name)

BY (Authorized Signature)

Signature of Association Officer

DATE SIGNED(Do not type)

(effective date of the contract)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

(insert mailing address, including City, State, Zip Code)

STATE OF CALIFORNIA

AGENCY NAME

Department of Parks and Recreation

BY (Authorized Signature)

Director Signature

DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Paul Romero, Chief Deputy Director, Department of Parks and Recreation

ADDRESS

1416 9th Street, Room 1431, Sacramento, CA 95814

**California Department of General
Services Use Only**

☒ Exempt per: Exemption 46.1A1

Contractor's Name:
Agreement Number:

Include cooperating association name and the contract number on the right side of each page of Exhibits A, D, and F.

Instructions for completing Exhibit A, Scope of Work

Fill in the blanks where indicated. No signatures are required; return four copies of Exhibit A.

EXHIBIT A

SCOPE OF WORK

1. Contractor (Association) agrees to a cooperative relationship with the Department of Parks and Recreation (Department) to fund and support interpretive and educational elements of state park units in as described herein:

(language deleted to save space)

2. The services shall be performed at state park units in insert name of county (s).
and/or DPR districts, and/or park names and any future state park units agreed to by both contractor and the Department.
3. The project representatives during the term of this agreement will be:

State Agency: Department of Parks and Recreation	Contractor: <u>insert association name</u>
Section/Unit: <u>insert district name</u>	
Attention: <u>insert CAL name</u>	Attention: <u>insert association contact name</u>
Address: <u>insert mailing address, including zip code</u>	Address: <u>insert mailing address, including zip code</u>
Phone: <u>insert phone number</u>	Phone: <u>insert phone number</u>
email: <u>insert e-mail address</u>	e-mail: <u>insert e-mail address</u>

Direct all inquiries concerning this contract to the representatives indicated above. The project representative names may be changed via a written notification.

***Instructions for completing Exhibit B
Budget Detail***

Exhibit B is not applicable because this standard agreement is a “zero dollars” contract (i.e. no state dollars are going from the state to a contractor). No action is needed other than to note Exhibit B as “N/A” on the STD 213 cover page.

***Instructions for completing Exhibit C
General Terms and Conditions***

The General Terms and Conditions (GTCs) contain standard contract language applicable to all state contracts. The Department of General Services (DGS) develops and formally approves this language. DGS periodically amends the GTCs. GTCs may not be amended by another agency.

Viewing and Downloading the GTCs

Because DGS may change the GTCs, cooperating associations and other state contractors are directed to download the most current copy from the DGS website at: <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>

For training and discussion purposes, an informational copy of recent GTCs is included, but more current versions can and do become periodically available on the DGS website.

*By signing the contract with Exhibit C noted on the STD 213 cover page, the Association and the State are certifying that they accept the GTCs and are **incorporating the GTCs by reference into the contract.** DGS maintains archive versions of all GTCs by date. Contractors/state agencies may maintain their own copies, but this is not required.*

Amendments

GTC amendments, if any, must be directed to and approved by DGS. Amending the GTCs is discouraged.

Association name
Contract number

Include cooperating association name and the contract number on the right side of each page of the exhibits. Refer to Exhibit A for an example.

***Instructions for completing
EXHIBIT D***

Fill in all shaded completion blanks with appropriate information:

(Much language has been deleted to save space)

5. INTELLECTUAL PROPERTY RIGHTS

A. Clarify Ownership of Existing Intellectual Property Rights:

B. During the course of this relationship, the Association shall use the name (insert Association name). Any additional and/or different names may be used only upon written agreement of the Department.

6. GRANT OF LICENSE

The Department hereby grants to the Association and the Association hereby accepts a non-exclusive, non-assignable license to have, use and reproduce the Department's identifying logo and the names (Insert State Park name(s) and any registered DPR trademarks to be used by the association. Do not insert "California State Parks," or "Department of Parks and Recreation.") hereinafter "Trademark", as identified in Exhibit "F" hereto, for the duration of this Agreement, in accordance with the terms and conditions of this License.

(item 1 deleted to save space)

- 2) Except as required by law, no other name, trademark(s), inscription or designation whatsoever shall be affixed to any goods or works produced subject to this License nor shall the same appear in any advertising or promotional material placed or produced by the Association in connection with such goods or works unless agreed to in writing by the Department. Furthermore, other than the approved name, (insert Association's name), the Association shall at no time adopt or use as its name, without the Department's prior written consent, any variation of the Trademark(s) or any work or mark likely to be similar to or confused with the Trademark(s).

***Instructions for completing
Exhibit E
Cooperating Association Annual Report***

*Exhibit E is the Cooperating Association Annual Report (DPR 973) which the Association will submit annually. Include the latest copy of a blank DPR 973 (5 pages). **Do not fill out the report.** For the latest copy of the DPR 973, go to the DPR Share folder or the DPR web site*

http://www.parks.ca.gov/default.asp?page_id=22337.

No signature needed; return four copies in the contract package.

***Instructions for completing
Exhibit F***

Licensed Trademarks

*Exhibit F covers licensed trademarks and other intellectual property. In section A (below), **DPR License to Association**, you may add additional DPR trademarks, if appropriate. In section B, **Association License to Department**, insert a license for association property that DPR may use. If none, delete section B. If other licenses beyond the existing section A will be included, contact the Cooperating Associations Program Manager.*

If no other licenses for DPR or Association intellectual property apply, delete the second page. Exhibit F becomes only one page. Make sure page numbering is correct. The page number on Exhibit F needs to reflect the number of pages in the exhibit. Normally Exhibit F is only one page. Similarly the STD 213 Standard Agreement cover sheet (to the right of Exhibit F) needs to reflect the correct number of pages. . No signatures are needed.

EXHIBIT F

LICENSED TRADEMARKS

A. Department License to Association

1. Black & White Logo:

(Logo information deleted to save space)

B. ASSOCIATION LICENSE TO DEPARTMENT *(page 2, delete if N/A)*

1. *(Insert name of any association intellectual property, if any to be licensed to the Department.)*

The Association grants permission for the Department to use the *(insert license name)* License agreement in conformance with agreement number *(insert Association license number)*. *(Attach additional pages if necessary.)*

***Instructions for completing the
Certificate of Adoption of Resolution to Establish a New Contract
(A supporting document of the standard contract)***

CERTIFICATE OF ADOPTION OF RESOLUTION
BY THE BOARD OF DIRECTORS OF THE

_____ *(Insert name of Association)* located in *(insert county name)*,
California authorizing execution of an agreement with the California Department of Parks and
Recreation.

The undersigned certify that they are the _____ *President (or insert appropriate title)* and the
_____ *Secretary (or insert appropriate title)*, respectively, of the above named
corporation, a nonprofit corporation incorporated under the laws of the State of California.

The undersigned certify that at a meeting of the Board of Directors of said corporation duly
held on *(number date)* day of *(month)*, 20 *(year)*, the following resolution was adopted with the
approval of a majority of the Directors:

RESOLVED: That a contract, in the form attached, will be made and entered into by and
between the STATE OF CALIFORNIA, acting through its State Department of Parks and
Recreation and *(insert Association's name)* acting through its President *(insert appropriate
title)* , for the provision of services within the scope of Public Resources Code sections
513, 5003, 5009 and 5009.1 - 5009.3 and Public Contract Code section 10335 *et seq.* to the
State Park System at *(insert name of unit or district)* in the County of *(insert county name)*.

Signature

Chairperson or President
(Insert appropriate title)

Signature

Secretary
(Insert appropriate title)

DATE: _____ *(Date signed)*

DATE: _____ *(Date signed)*

*Note: As an official Association resolution, it must be a recorded action in the minutes of an
Association board meeting. Because this is an Association document, it is acceptable to have this
resolution on Association stationery. Return 4 originally signed copies with the contract package.*

Instructions for completing: Contractor Certification Clauses (CCCs)

Background:

*The CCCs are not physically part of the contract, but they are a supporting document in the contract package and each contracting association must execute them. Be sure to use the latest version of the CCC's. **The Association representative signs three copies, keeps one for its records.** DPR will keep one copy on file at the District and send one copy, along with the contract to DPR HQ. The CCCs are not physically part of the contract*

*Technically the **CCCs are incorporated by reference** into the General Terms and Conditions (**GTCs**) **that are incorporated in the standard contract as Exhibit C.** In signing the contract, the Association is accepting Exhibit C. Therefore the CCCs become part of Exhibit C of the standard contract "by reference." They are an attachment to the contract when it is formally processed, similar to the **Insurance Certificate.***

Amendments

CCC amendments, if any, must be directed to and approved by DGS. Amending the CCCs is discouraged.

Viewing and Downloading the CCCs

Because the CCCs may need to be changed, the most current version must be downloaded from the DGS website at <http://www.ols.dgs.ca.gov/Standard+Language/default.htm> .

Distribution and Renewal:

After the initial signing, the CCCs are downloaded and renewed on a three-year cycle. *This action is independent of, but related to, contract approval.*

For example, if a contract has a five (5) year term, the CCCs would need to be signed when the contract is signed (year one) and again before the beginning of year four. The CCCs are an attachment to the contract, but are not distributed to DGS.

Instructions for:
Contractor Certification Clauses

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed) <i>(Insert full Association name)</i>		Federal ID Number <i>(insert Association #)</i>
By (Authorized Signature) <i>Association Signature</i>		
Printed Name and Title of Person Signing: <i>(Association official)</i>		
Date Executed: <i>(insert current date)</i>	Executed in the County of: <i>(insert county name)</i>	

1. CONTRACTOR CERTIFICATION CLAUSES

(Sections deleted to save space)

. PAYEE DATA RECORD FORM STD. 204

This form must be completed by all contractors that are not another state agency or other government entity. *(Note: Because this is a zero dollar contract, the STD 204 form is NOT applicable to this contract.)*

***Instructions for providing a valid
certificate of insurance***

An insurance certificate (an ACORD form or similar insurance certificate) is needed that contains the following required endorsements:

- 1. The insurer will not cancel the policy without 30 days prior written notice to the State, except in cases of nonpayment of premiums in which instance the insurer shall give the state ten (10) days written notice prior to the effective date of cancellation.*
- 2. The State of California, its officers, agents, employees and servants are included as additional insured, but only insofar as the operations under this agreement are concerned.*

The general liability insurance amounts must be a minimum of:

- \$1 million per occurrence*
- \$2 million combined general aggregate*

Only one copy of the certificate of insurance form is needed with each contract package.

***Instructions for completing the
District Recommendation and DGS Exemption Certification***

District Recommendation and DGS Exemption Certification

(Note: This is a tracking document only, not officially part of the legal agreement. Return only one copy of this document with the contract package.)

District Recommendation *(note: The district may only recommend approval and can not formally approve this Agreement.)*

STATE OF CALIFORNIA

Department of Parks and Recreation

I recommend this Agreement for the Director's approval and signature.

BY: *District Superintendent Signature*

TITLE: **District Superintendent**
California Department of Parks and Recreation

DATE: *(write in date)*

DGS Exemption Certification and Approval

Interpretation and Education Division Certification

Check the box that applies:

☐ All DGS conditions for exemption have been met. This Agreement qualifies for exemption from the Department of General Services under exemption number 46.1.

or

☐ Because the net value of this contract is more than \$50,000 annually and/or there are addenda to the standard approved Agreement language, this Agreement does NOT qualify for exemption and requires Department of General Services approval.

BY: *Program Manager Signature*

TITLE: Cooperating Associations Program Manager

DATE: *(write in date)*

End of Standard Contract Instructions